



Virginia Coastal Zone MANAGEMENT PROGRAM

Coastal Policy Team **FINAL Agenda & Notes**

September 14, 2022

10:00am – 3:30pm

14th Floor Training Room, 1111 East Main Street, Richmond, VA

10:00 Welcome & Introductions

10:10 NOAA's Evaluation of the Virginia CZM Program (Laura McKay/John Kuriawa)

- Debrief results
- Schedule: Draft Findings by December; final findings by February 2023
- CPT membership: should we add Virginia federally and/or state-recognized Tribes to the CPT as voting members (Appointees/Alternates) or just invite as "Interested Parties" Same question for other universities working in the coastal zone
- Notes: evaluation was very positive – Virginia's program is unique with its extensive networking. The evaluator, Carrie Hall, was shocked by how much has been accomplished over many topics. Recommendations will likely be to continue on.
- Next Steps: CZM staff will review draft findings for accuracy when they are received in December.

10:20 Update on Virginia Coastal Resilience Master Plan (Matt Dalon)

- 2022 legislation
- Funding
- Database – should we continue to maintain the CZM/Wetlands Watch/AdaptVA database? Continue discussions at quarterly PDC meeting about TA grants providing projects to add to the database
- Notes: See PPT.
- Next Steps: The DCR/Dewberry projects database update may take about a year but PDCs can still add projects to the database. Need to have more discussion about the CZM/Wetlands Watch database and integrating with the DCR database – perhaps at the Sep 16 TAC meeting and at the Sep 21 PDC quarterly meeting . Public versus private projects need to be clarified – if private land is not included, we leave out 90% of the shoreline. Grant funds are sorely needed for projects on private property.

10:30 Vulnerability of Coastal Infrastructure to SLR: Evaluating and Prioritizing Renovation, Relocation and Decommissioning (Clay Ferguson, DWR Fellow).

- Clay is conducting this analysis for DWR's public access sites.
- Notes: See PPT. DWR is still interested in acquiring lands at fairly low elevation. Localities will have to help pick up costs for assets not fully owned by DWR. There is some devolution of responsibility to localities. DWR wants input on this issue. Note that other criteria kick in as well as ownership so there may be cases where DWR does help substantially with costs based on other criteria about the location and usage of a boat ramp or other asset. DWR needs to finish the weighting of criteria and will want to collaborate with localities where there is joint responsibility. DWR will be re-envisioning its properties. DWR is considering doing a cost benefit analysis on abandonment of sites and other measures so they know whether they can

maintain services. Knowing the value of an asset is fairly easy but knowing the replacement cost is difficult to estimate.

- Next Steps: This is a great topic for the new CZM Shoreline Work Group. CPT members should please provide more input to DWR – especially on criteria and weighting. Clay will share the white paper with CPT when it's complete.

11:00 FY22 Grant Award has been received – begins October 1 2022 (Laura/April)

- Review FY22 project list
- Next Steps: NOAA reminds us to avoid changes in scope and extensions due to the heavy grants load with the recent IJA funding.

11:10 FY20-22 Section 306 Coastal Resilience Focal Area – Year 3

- PDCs' TA for Resilience (all PDCs)
- AN/MP/NN/RR Resilience through Ecotourism (Jessica Steelman)
- VIMS/DCR Conservation Targeting for Resilience (Karina Nunez or Rob Isdell for Pam Mason)
- CBNERR/MPPDC Nearshore Habitat/NextGen Shorelines (Lewie Lawrence)
 - Can boardwalk restoration begin before shoreline plan is finalized? (need to move fairly quickly on FY22 boardwalk restoration grant.
- Notes: Middle Peninsula PDC has 19 new companies coming into the region to work on fight the flood. MPPDC is happy to share the approach with others. MPPDC put out 90 grant applications. Crater PDC is working to get lands conserved for resilience, using trails as natural buffer zones. PlanRVA is building out and prioritizing their resilience project list and scoring the projects. They hired a Resilience Planner, Nicole Keller, and are setting up a resilience data hub. Hampton Roads PDC is updating their resilience database and dashboard – including localities' studies. They are updating regional elevations database and design standards and developing policy recommendations for localities. HRPDC is updating regional maps with LIDAR and modelling impacts to the transportation system. Accomack-Northampton PDC had their Climate Adaptation Work Group workshop this summer and received lots of feedback and communication with new partners. They are updating their resilience project database. Northern Neck PDC is updating its hazard mitigation and resilience plans – focusing on flooding resilience and Community Rating System. Northern VA Regional Commission held their climate resiliency team meetings and is updating their critical infrastructure database and resilience projects.

Ecotourism Resilience Grant: marketing is paying off. Large focus on sustainability and resilience planning for assets.

Conservation Targeting: VIMS & DCR requested an extension to Dec 31 to complete field work. VIMS is mapping high and medium sea level rise and limits to wetland migration. They are establishing a steering committee for input on the decision support model. Agencies and PDCs will be invited. The first meeting will be in late October. Field work by DCR: they found some rare bees and re-found 20 Element Occurrences (EOs) since July. Data will be entered into DCR's biodiversity management system. Year 3 will use the new data to develop a new map layer. This grant strategy targets highest value EOs.

Karina Nunez also provided this text:

"FY20-22 Section 306 Coastal Resilience Focal Area – Year 3 • VIMS/DCR Conservation Targeting for Resilience

VIMS/ DCR/ and VCPC are finishing year 2 of the project this Fall. DCR has requested a one-quarter extension to complete fieldwork. The new end date is Dec 31, 2022.

For year three starting Oct 1, 2022:

CCRM will map future shorelines across tidal Virginia for 2050, 2075, and 2100 using the intermediate-high NOAA sea level rise (SLR) curve. Using a DEM, CCRM will integrate erosion rates, barriers to inland migration, and existing land use/land cover (LULC) to identify the likely position of the future shoreline and wetlands. CCRM will establish a steering committee to provide input into the development of decision-support applications of the modeled data. The decision-support outputs are expected to include a GIS data viewer, but may include other materials, such as factsheets, or decision trees, as well. Modeled data coupled with the law and regulatory information gathered by VCPC will support the development of an interactive tool identifying the location and extent of potential opportunities and obstacles to marsh migration. The steering committee will meet a minimum of 4 times during the project year.

Members will include representation from VCPC, DCR, DWR, VMRC, VACZM, and Coastal PDCs at a minimum. The proposed Steering committee members list was sent to CZM for review last month. The tentative 1st meeting is late October, early November.

Next Gen integrated shoreline management plans: MPPDC is assessing properties and exploring alternative management strategies. Looking at high energy shorelines – looking at reach-based design. Targeting New Pt Comfort Natural Area Preserve. Adjacent properties are highly vulnerable – that changed thinking about alternatives assessment. When report is assembled, there will be more emphasis on the intersection of property rights and old meets and rights issues. We need legal aspects to be considered as to how to drive planning and funding. Need to incorporate realities of cost as well.

- Next Steps: ANPDC will work with Clay Ferguson of DWR on vulnerability of ecotourism assets.

11:30 Federal Consistency – updating the “Listed Activities” we can review (Bettina Rayfield)

- Draft list sent to CPT on Sep 8
- Does this list look accurate and complete?
- Next Steps: Becky Gwynn of DWR will discuss USFWS permits and licenses with a CT colleague she’ll see next week to help clarify.

11:45 FY 23 Section 309 Projects of Special Merit – likely due in Grants.gov December 2

- Coastal Hazards and Ocean Resources are the likely eligible topics
- Each state can submit up to 2 proposals for a maximum of \$250,000 per proposal
- Projects need to describe how they would advance the strategy as well as equity and inclusion
- Link to FAQ’: <https://coast.noaa.gov/data/czm/enhancement/media/special-merit-funding-faq.pdf>
- Link to previously funded PSMs: <https://coast.noaa.gov/data/czm/enhancement/media/special-merit-funding.pdf>
- Notes: Could develop a PSM to work on effects test to update our Listed Activities
- Next Steps: CPT members need to let Laura know by Monday Oct 3 if they are interested in applying so that we know whether we need to hold a state-level competition if there are more than two proposals.

12:00 LUNCH (on your own)

1:00 FY22 Infrastructure Investment & Jobs Act (IIJA) CZM Funding (Laura)

- Non-competitive Capacity (staff) funding - \$150k/yr for 5 years
 - Funding to begin Dec 1 2022
 - Hiring schedule and duties updating other component layers
 - Includes updating component models by relevant agencies, synthesis by Nick Meade and contract to DWR for Priority Wildlife Diversity Conservation Areas
- Competitive Section 310 (no Match) land acquisition and/or restoration grants
 - 3 Letters of Intent were submitted on July 29. On September 1 we were informed that two were accepted for full proposals: Upper Mattaponi Indian Tribe's land acquisition (\$2.48M) and VIMS' eelgrass/bay scallop restoration (\$1.98M).
 - Ideas for FY23 land acquisition or habitat restoration
 - Schedule for FY23 applications
- Next Steps: NNPDC would like to work with the Rappahannock Tribe to apply for FY23 funds.

1:20 Update and discussion on FY19, 20, 21 and 22 306A funds (Laura)

- FY19 – \$390,351 MRC Lower York Oyster Restoration
- FY20 – \$412,229
- FY21 – \$428,240
- FY22 – \$390,145 - \$150,000 for access construction (including New Pt Boardwalk) and \$240,145 for land acquisition. Note Section 306A policy on funding limits are \$500k for land acquisition; \$200k for restoration/construction.
- CZM staff recommending FY 20 and 21 306A funds be used toward highest ranking/feasible IIJA projects and \$17k towards DWR's request for a portion of the every 10 years Colonial Waterbird Survey (Mar – Aug 2023)
- Notes: CPT agreed to allocate the FY 20 and 21 funds to DWR for their Accomack forest habitat planning and restoration and to Middle Peninsula for its Hog Island habitat restoration. Two PDCs suggested holding another competition for the 306A funds but timing will not allow that and the criteria for 306A would be the same as for IIJA except for the funding amount. It was noted that although the IIJA projects that will switch to 306A would only be partially funded, the projects can simply scale back the acreage restored and still conduct complete projects. NOAA agreed that one project can be done in each grant year given the \$400k limit on habitat restoration projects (federal and match dollars included). About \$17k will also be used toward the Colonial Waterbird decadal survey.
- Next Steps: DWR and Middle Peninsula PDC to submit scopes of work asap.

1:40 CZM/DEQ Water Division FY20 Section 309 Project of Special Merit on Bay Act Regulation Amendments (Justin Williams (DEQ), Pam Mason (VIMS) and Elizabeth Andrews (VCPC))

- Project requested 6 month extension through Sep 2022
- Notes: The guidance went out for public comment one week ago (Sep 7) for 30 days. In retrospect – we need more time to work out policy changes. It is difficult to know how proposed changes to the guidance will affect localities. It may have

been better not to try to do this as a 1 year PSM. Need to ensure end users come to the table and probably need five years for this type of work.

- Next Steps: Send your comments on the CBPA guidance via Town Hall.

1:50 FY21-25 Section 309 Strategies

- FY21-25 Coastal Hazards
 - Change in Coastal Policy Center's FY21 and 22 scopes of work from updating enforceable policies with regard to resilience, to considering in lieu fees for impacts to habitats other than wetlands. (Elizabeth)
 - Hazards strategy also includes shoreline plans and CRS/RAFT
- FY21-25 Ocean Resources (Laura/Elizabeth)
 - Law students' interviews with state entities
 - Oct 18 meeting with federal agencies
 - Nov 15 Ocean Plan Open House in Hampton Roads
- FY21-25 Marine Debris
 - MARCO's FY22 proposal to NOAA for reducing plastic water bottle usage on beaches & waterfront recreation areas was not funded but IJJA ROP funds will pick up some of the effort. (Laura)
 - Presentation of Mid-Atlantic balloon release reduction campaign materials (Laura/Katie)
 - Plastic pollution survey, the Marine Debris Summit and getting involved in the VA Marine Debris Reduction Plan (Katie)
 - Abandoned/Derelict Vessels (ADV) Work Group report released in early July, policy recommendations reviewed by VMRC, DWR, ASNHR. \$3M in GA funding to VMRC for ADV removal. (Jeff/Katie Register)
 - Lynnhaven River Now submitted FY22 proposal to NOAA for work on ADVs in Jan, did not receive funds. Will submit a similar but expanded proposal for IJJA NOAA funds by Sept 30. Also ODU submitted a proposal for IJJA funds to VA Sea Grant on Aug 16 for building a more diverse stakeholder group to address ADV and derelict fishing gear (Jeff/Katie)
- Notes: **Coastal Hazards:** Localities are struggling to manage NFIP responsibilities in permitting and communicating and understanding expectations. DCR can give guidance but has no authority to approve local permits. Some localities say they have heard different guidance from other FEMA regions. There is a need for clear communication to developers and homeowners from the locality. PDCs requested more guidance from FEMA about permitting requirements for nature-based projects – floodplain restoration gets muddy in the permitting process – need clear answers. DCR – a permit is required – there is one set of rules established by federal code of regulations– some may not be following the rules.
- Next Steps: Hazards: law students are contacting agencies for input. Need to clarify whether localities have clear guidance and understand the guidance. Angela and Lewie will follow up on this. Some FEMA Regions do not always agree with each other – there may be national inconsistencies. We don't have a flooding enforceable policy for CZM. Federal rules can't be changed but general permits could help. The problem persists in doing projects in at risk flood areas. How localities get the capacity to do permitting is a concern. "All development must be permitted" and "A permit is required" are two different statements. Localities cannot handle all the paperwork of permitting everything in the floodplain. Elected officials feel they must be "mulch police" and ensure it's permitted. DCR is working with FEMA on this.

- Notes: **Ocean Resources:** Law students are setting up one –on-one meetings with state agency staff to solicit ideas for ocean BMPs and policies. These will be shared with federal agencies when they meet with the Ocean Planning Committee on October 18. An 11 state effort is underway to set up a fisheries compensation fund to offset impacts of offshore wind. CVOW Federal Consistency review is due November 24.
- Next Steps: need to secure a location for the November 15 Ocean Plan Open House in Hampton Roads.
- Notes: Marine Debris: Work is progressing well on the four main targets of the Virginia Marine Debris Reduction Plan – consumer debris, derelict fishing gear, microplastics and abandoned/derelict vessels. For consumer debris a survey of Virginia voters was conducted showing positive support for a variety of policies to reduce plastic bottles and other plastic consumer debris. Work is continuing on notifying the aquaculture industry when derelict clam nets are found so that they can be safely removed. The Marine Debris Summit on Sep 26-28 at Virginia Aquarium will focus on consumer debris. Only 3 spots are left before registration closes.

2:20 Update on Shoreline Stakeholder Group (Jeff)

- Group was sent outline of goals, structure, issues to address. Jeff emailed individuals nominated to serve on work groups to set up kickoff meetings prior to reconvening whole SSG.
- Notes:
- Next Steps:

2:30 FY23-25 Focal Area Topics (Laura)

- Schedule for deciding next focal area. Voting to select topic will happen at January 2023 CPT meeting.
- Potential Topics
 - Public access to coastal resources for underserved communities
 - Update on DEQ EJ communities mapping project (Will)
 - Would the CPT like to have DEQ give an EJ training at future CPT meeting or at a separate event?
 - Continue a coastal resilience focal area –
 - could focus more specifically on threat to local tax base – financial resiliency. Do funders understand who underserved communities are and are they able to get the funding to the underserved communities. We have to define underserved ourselves.
 - Could include planning for dredging
 - focus also on financial threat to underserved communities
 - Resiliency assessment for fixed infrastructure (a pilot assessment - e.g. docks, channel markers, etc. - whether structures can be moved or raised)
 - Expand the CZM-funded innovative resilience solutions in PDCs to other regions (Fight the Flood, 1st Floor Elevations, etc.)
 - Research, outreach and tool development for managed retreat
 - Continue funding to PDCs
 - Build on DWR amenities vulnerability
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- Explore ways to better implement nature based approaches for private land owners
- Pam Mason requested we add this to the list of potential topics: “Comprehensive coastal inventories and the Shoreline Management Model (SMM – the GIS analysis for shoreline decisions based on the decision trees) could be part of the next focal area. CCRM has been developing new technologies and applications to add precision, accuracy and speed to the process. We have added new SMM capabilities working with Maryland. We are also completing a comparative analysis of marsh migration models for the CBP. The CBP focus on marsh and wetlands restoration is creating the perfect opportunity for us to put more focus on shorelines and management approaches to promote NNBF for coastal resilience.” Also integrating “community science.” Can identify trends for restoration efforts and for property owners.
- Next Steps: The CPT agreed to stay with Coastal Resilience as the Focal Area. We will continue the \$30k addition to each PDC’s Technical Assistance grant. For the remaining ~\$225K – we will rely on VCRMP and PDC-identified needs for ideas for research or planning grants.
- By Sep 30 each PDC will submit 1-2 top priorities for projects that address resilience needs coastal zone-wide; that address the VCRMP; and can be science, policy, economics, etc. related
- By October 15 CZM staff will email a request to CPT members to submit project ideas. **Focal Area proposals will be due Feb 1.** Each CPT agency member may submit only one proposal and it should be coordinated with at least one PDC. CZM staff will mail the proposals and score sheets to the CPT by Feb 8.
- The **next CPT meeting will be Feb 15** at which the proposals will be voted upon. The top proposal (s) using the \$225k available will be included in the spring FY23 draft application to NOAA for funding to begin October 1, 2023.

3:30 Agency Updates

- Update on magazine & website (Virginia Witmer, CZM)
- Other agency updates
- Notes:
 - DOF is releasing an RFP for Statewide Riparian Forest Buffer Plan grants (coordinates with Tree planting grants)

3:45 Adjourn